A. Recommendations

THAT Council receive Staff Report PDS.20.03, entitled “Bruce Street / Marsh Street Corridor Area Zoning Update”;

AND THAT Council enact a Zoning By-law Amendment to the Blue Mountains By-law 2018-65 to correct zoning matters for the Bruce Street / Marsh Street Corridor lands, in accordance with the recommendations contained in Planning Staff Report PDS.20.03.

B. Overview

The purpose of this report is to advise Council about a zoning matter that inadvertently occurred for the Bruce Street / Marsh Street Corridor (BMC) area, as part of both the Housekeeping Zoning By-law Amendment and the Oxley Zoning By-law Amendment processes. This report provides a recommendation to clarify the zoning in accordance with original Council direction received for the BMC Zone area.

C. Executive Summary

Changes to the Bruce Street/Marsh Street Corridor (BMC) zone were made through both the Housekeeping Update of 2019 and through the Oxley Zoning By-law amendment.

These changes resulted in inadvertent mapping and textual issue in the Zoning By-law relating to properties in the BMC zone. Staff have reviewed these matters with the Town’s Solicitor and have proposed an update to the zoning by-law to ensure that the properties are zoned Residential ‘R1-1’ and properly revise the BMC area boundary with what was intended as part of both of these zoning amendment processes. A draft by-law is attached to this report.

D. Background

Two zoning matters were processed in 2019 regarding the BMC areas of Thornbury:
1. Staff brought forward Housekeeping changes to the Town’s Comprehensive Zoning By-law 2018-65. The following is an excerpt from Planning Staff Report PDS.19.119 describing the recommended changes to the BMC zone:

“The Housekeeping Item related to the Bruce Street / Marsh Street Corridor has been included in the Draft Zoning By-law Amendment. Staff has taken the approach to remove the Bruce Street / Marsh Street Corridor ‘BMC’ Zone as a specific zone category in the By-law, to rezone all ‘BMC’ Lands back to Residential ‘R1-1’ lands with an exception to recognize the location and limits of the corridor and then develop General Provisions that allow for small scale commercial uses (described as more intensive than a home occupation, and substantially less intensive than a traditional commercial use) as described in the Official Plan. Planning Staff recommend that the modifications be made as the current ‘BMC’ zone is currently overly-permissive.” (Staff Report PDS.19.119 page 2)

While the report clearly outlines the action that was to be taken through the amendment, text and mapping associated to change the BMC zoned area from ‘BMC’ to ‘R1-1’ was not incorporated into the by-law. The BMC area was outlined in the amending mapping to identify the area given the permission for additional small scale commercial uses.

2. Concurrent to the above process, Planning Staff were also processing an application for site specific zoning by-law amendment to change the former Beaver Valley Outreach building (File# P2769 Oxley Robert Holdings Inc. – 64 Bruce Street South) to permit a primary residential use.

Both the public notice and the staff report for the Oxley application outlined that the purpose was to allow for a primary residential use and permit a small commercial retail use in the existing building. However, as occurred with the Housekeeping, the lands were zoned BMC rather than R1-1.

Additionally, since the property at 64 Bruce Street South is one legal lot, rather than two separate lots, Planning Staff recommend the outline to identify the BMC area is amended to encompass the entire lot, consistent with other properties in the BMC area.

Staff has confirmed with legal counsel that no further public notice or public meetings are required. Notice has been provided through both the original public notification processes related to the Housekeeping Update and the Oxley Robert Holdings Inc. projects. Staff are seeking a decision of Council to correct these items. It should be noted that the refined By-law remains subject to the Notice of Decision process and required appeal periods.

A copy of the draft by-law correcting the situation is attached to this report. The draft ensures the lands are zoned Residential R1-1, and includes updating the mapping to the BMC overlay area as outlined in this report.

E. The Blue Mountains Strategic Plan

Goal #3: Support Healthy Lifestyles
Objective #3  Manage Growth and Promote Smart Growth

F. **Environmental Impacts**

None.

G. **Financial Impact**

None.

H. **In consultation with**

The recommendations and by-law attached to this report was reviewed by the Manager of Community Planning, Director of Planning and Development Services and the Town Solicitor.

I. **Public Engagement**

The topic of this Staff Report was subject of a Public Meetings on September 16, 2019 and July 3, 2019. Those who provided comments at the Public Meeting regarding this matter, including anyone who has asked to receive notice, have been provided notice of this Staff Report.

Comments regarding this report should be submitted to Shawn Postma, Senior Policy Planner at planning@thebluemountains.ca

J. **Attached**

1. Draft Zoning By-law Amendment

Respectfully submitted,

_____________________________
Shawn Postma, MCIP RPP
Senior Policy Planner

_____________________________
Denise Whaley, MSc MCIP RPP
Planner II
Nathan Westendorp, RPP, MCIP
Director of Planning and Development Services

For more information, please contact:
Shawn Postma
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519-599-3131 extension 248
The Corporation of the Town of The Blue Mountains

By-Law Number 2020 –

Being a By-law to amend Zoning By-law No. 2018-65 which may be cited as "The Blue Mountains Zoning By-law";

Whereas the Council of The Corporation of the Town of The Blue Mountains enacted amending By-laws 2019-41 (Housekeeping By-law) and 2019-48 (Oxley Robert Holdings Inc.);

And Whereas the Council of The Corporation of the Town of The Blue Mountains deems it necessary in the public interest to pass a by-law to amend By-law No. 2018-65;

And Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990, c. P.13, the By-law may be amended by Council of the Municipality;

And Whereas pursuant to s. 34(17) of the Planning Act, R.S.O. 1990, c. P.13, Council has determined that no further notice need be given in respect of this proposed by-law;

Now Therefore Council of The Corporation of the Town of The Blue Mountains hereby enacts as follows:

1. That Schedule ‘A’ to the Blue Mountains Zoning By-law 2018-65 is amended by deleting the Bruce Street / Marsh Street Corridor ‘BMC’ Zone and Bruce Street / Marsh Street Corridor ‘BMC-115’ Zone and replacing with the Residential ‘R1-1’ Zone and Residential ‘R1-1-115’ Zone in accordance with Key Map Schedule ‘A-1’.

2. That Schedule ‘A’ to the Blue Mountains Zoning By-law 2018-65 is amended by modifying the heavy outline depicting the boundaries of the Bruce Street / Marsh Street Corridor to also include those lands described as Lot 9 Registered Plan 99 in accordance with Key Map Schedule ‘A-1’.

3. That Table 9.1 – Exceptions to the Blue Mountains Zoning By-law 2018-65 is amended by deleting the text “BMC-115” and replacing it with the text “R1-1-115”.

4. That Schedule ‘A-1’ is declared to form part of this By-law.

And Further that this By-law shall come into force and take effect upon the enactment thereof.

Enacted and passed this 10th day of February, 2020.

___________________________
Alar Soever, Mayor

__________________________
Corrina Giles, Clerk

I hereby certify that the foregoing is a true copy of By-law No. 2020-____ as enacted by the Council of The Corporation of the Town of The Blue Mountains on the 10th day of February, 2020.

Dated at the Town of The Blue Mountains, this 10th day of February, 2020.

__________________________
Corrina Giles, Clerk
Town of The Blue Mountains
Schedule 'A-1'

By-Law No.________

Legend

Area affected by this amendment

Date: 1/9/2020